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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (s) No. 7609 of 2006

Petitioner — Ram Pratap Sonwanshi S/o Shri Miltoo Ram aged about 32 years R/o Village Manisari Tehsil-Bhakatpur, District Korea (C.G.)

Versus

Respondents

1. State of Chhattisgarh Through Secretary Deptt. of Health D.K.S. Bhawan, Raipur (C.G.)
2. Chief Medical Officer District Korba (C.G.)
3. Director, Health Deptt. Distt.- Raipur (C.G.)
4. Collector District Korba (C.G.)
5. Chief Medical Officer Korea District Korea (C.G.)

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Present: Mrs. Renu Kochar, Advocate for the petitioner.
Ms. Sunita Jain, Panel Lawyer for the State/respondents.

ORDER

(Passed on 14th Day of March, 2007)

The following order of the Court was passed by Satish K. Agnihotri, J.

1. Learned counsel appearing for the petitioner submits that the petitioner is a Multi Purpose (Health) Worker (MPW) in the Department of Health, and posted at Community Health Center, Pali, District- Korba. Vide order dated 14-11-2005 (Annexure P/1), the petitioner was transferred to the office of the Chief Medical Officer, Korea, Disitrict- Korea on the same post.

2. It is shocking that despite the order passed 15 months earlier, no effect has been given to it. On notice, the State Government stated that vide circular dated 10-6-1993 (Annexure R/1), no employee can be relieved till a substitute person is posted in his place. But such type of circular is applicable in case of contingency for a limited period, may be for one or two weeks, not years.

3. The employer is competent enough to cancel or modify the transfer order. The transfer order was passed with regard to the difficulty of the petitioner as his father is old aged and further looking to the education of the children and other things. The act of respondents by not relieving for more than 15 months is unjustified and is against the public policy.

4. Thus, the respondents are directed to relieve the petitioner forthwith to join new place of posting.

5. In view of the foregoing, this petition is allowed. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

Subhash